IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 1903 OF 2007

1. Sarjerao Bhikaji Waghmare,

2. Sushir Ramchandra Bhadale,

3. Ganesh Balasaheb Katake,

4. Pintu Babusha Katake,

5. Anant Pandharinath Katake,

6. Dnyaneshwar Pandharinath Katake,

7. Manoj Balu Waghmare. ... Applicants.

V/s.

State of Maharashtra. ... Respondent.

Yogesh Pawar i/b. Vikas Shivarkar
for the applicants.

K.V.Saste, APP for the respondent-State.

CORAM: V.C.DAGA, J.

DATED: 13th July 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. This application is under section 438 of Code of Criminal Procedure, 1973. The applicants are apprehending their arrest in C.R.No.176/2007 registered with the Loni Kalbhor Police Station, Pune for the offences punishable under sections 143, 147, 148, 149, 326, 337, 504, 506 of Indian Penal Code

(I.P.C.) on the basis of the complaint filed one Mr.Santosh Vitthal Satav on 21st May, 2007. 3. The names applicant Nos.1 to 4 are specifically mentioned by the complainant in the F.I.R. That applicant Nos.1 to 4 and other two to three unknown persons have assaulted one Anil Bandu Katke and Navnath Manik Chakor. When the complainant with two to three other persons went to separate them, accused No.1 inflicted a blow of rod on his head. However, the names of applicant Nos.5, 6 and 7 do not appear in the F.I.R. But their names find place in the supplementary statement dated 22nd May, 2007. 4. The respondent- State has filed affidavit-in-reply stating that three eye witnesses have witnessed the incident. The applicant Nos.1 and 2 are of criminal antecedents against whom four criminal complaints are registered with the said Lonikalbhor Police Station under sections 326, 323, 504, 506, 321, 324, 143, 147, 336, 447 of I.P.C. In the circumstances, applicant Nos.1 to 4 should not be granted anticipatory bail. 5. So far as applicant Nos.5, 6 and 7 are concerned, there is no, prima facie; material to implicate them. Hence, in my opinion, applicant Nos.5 to 7 would be entitled to anticipatory bail. 6. In the result, application is partly allowed. So far as applicant Nos.1 to 4 are concerned, prayer for anticipatory bail is rejected. However, pre-arrest bail is granted in favour of applicant

Nos.5, 6 and 7, subject to following conditions:

(a) that in the event of arrest of applicant/accused No.5 (Anant Pandharinath Katake); No.6 (Dnyaneshwar Pandharinath Katake) and No.7 (Manoj Balu Waghmare), in connection with C.R.No.176/2007 registered with Loni Kalbhor Police Station, Pune they shall be released on bail of Rs.10,000/- each with one surety to make up the amount of them.

(b) that they shall not contact or pressurise the witnesses of the prosecution.

(c) that all the applicants shall report to the Loni Kalbhor Police Station, Pune once in 15 days on every second and fourth Saturday between 3.00 to 5.00 p.m. and shall co-operate with the investigating agency. It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

3. Application stands disposed of accordingly.

JUDGE